

Message Text

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AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBASSY NEW DELHI

AMEMBASSY TEHRAN

C O N F I D E N T I A L ISLAMABAD 10098

E.O. 11652: GDS

TAGS: PINT, PFOR, PK, AF

SUBJECT: PAKISTAN SUPREME COURT DECISION ON NAP

REF: A. ISLAMABAD 10046

B. KARACHI 2359 (NOTAL)

1. IN UPHOLDING THE GOP'S FEBRUARY, 1975 DISSOLUTION OF THE NATIONAL AWAMI PARTY, THE PAKISTAN SUPREME COURT UNANIMOUSLY DECLARED THAT THE NAP HAD BEEN OPERATING IN A MANNER PREJUDICIAL TO THE SOVEREIGNTY AND INTEGRITY OF PAKISTAN, AND IT THEREFORE MADE ITSELF LIABLE TO BE DISSOLVED UNDER THE POLITICAL PARTIES ACT. IN A 175 PAGE JUDGMENT, THE COURT HELD THAT THE NAP AND ITS LEADERS WERE NOT RECONCILED TO PAKISTAN'S EXISTENCE, INTEGRITY AND SOVEREIGNTY AND THAT THEY HAD CONSISTENTLY ATTEMPTED TO CREATE DOUBTS ABOUT PEOPLE'S BELIEF IN THE IDEOLOGY OF PAKISTAN WITH A VIEW TO DESTROYING THE VERY CONCEPT WHICH FORMED THE BASIS OF THE CREATION OF THE COUNTRY. THE COURT HELD THAT THE NAP LEADERS HAD ALWAYS PREACHED THE DOCTRINE OF
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FOUR, OR BEFORE 1971, FIVE

NATIONALITIES/NATIONS TO PREPARE THE GROUND FOR THE ULTIMATE SUCCESSION OF THE NORTH WEST FRONTIER PROVINCE AND BALUCHISTAN ON THE PRETEXT OF DEMANDING THE RIGHT OF SELF-DETERMINATION FOR THE DIFFERENT NATIONALITIES/NATIONS INHABITING THOSE PROVINCES. IN THE COURT'S VIEW, THEY HAD ADVOCATED A POLICY OF SUBVERSION OF THE CONSTITUTION, THE RULE OF LAW AND DEMOCRATIC INSTITUTIONS IN PAKISTAN AND HAD FOR THIS PURPOSE RESORTED TO LARGE-SCALE ACTS OF TERRORISM, SABOTAGE AND SUBVERSION WITHIN PAKISTAN TO UNDERMINE THE SECURITY, SOLIDARITY AND SOVEREIGNTY OF THE STATE IN NEFP AND BALUCHISTAN. THE COURT HELD THAT THE NAP AND ITS LEADERS HAD ACTUALLY ORGANIZED LARGE-SCALE REBELLION AND INSURGENCY IN BALUCHISTAN IN ORDER TO COERCE THE CENTRAL GOVERNMENT AND THE PEOPLE OF PAKISTAN TO SUBMIT TO THE WISHES OF NAP LEADERS.

2. FOLLOWING THE DECISION ATTORNEY GENERAL YAHYA BAKHTIAR TOLD NEWSMEN THAT IN HIS PERSONAL VIEW THE OFFICEHOLDERS OF THE CENTRAL AND PROVINCIAL COMMITTEE OF THE NAP WOULD BE DISQUALIFIED FROM BEING ELECTED AS MEMBERS OF THE NATIONAL ASSEMBLY OR THE PROVINCIAL ASSEMBLY FOR A PERIOD OF FIVE YEARS. HE SAID HIS PERSONAL INTERPRETATION WAS THAT THE POSITION OF SUCH PERSONS WHO WERE PRESENT MEMBERS OF THE NATIONAL PROVINCIAL ASSEMBLIES WOULD ALSO BE AFFECTED. HE ADDED, HOWEVER, THAT THE MATTER WOULD BE REFERRED TO THE CHIEF ELECTION COMMISSIONER AND NOTED THAT THE COURTS COULD ALSO BECOME INVOLVED. BAKHTIAR ALSO REPORTEDLY NOTED THAT THE NAP OFFICEHOLDERS WERE ALSO LIABLE TO PROSECUTION UNDER ORDINARY SUBSTANTIVE LAW, DEPENDING UPON THE NATURE OF THEIR ACTIVITIES WHICH MIGHT BE PREJUDICIAL TO THE INTEGRITY AND SOVEREIGNTY OF PAKISTAN.

3. AS IT WAS ANNOUNCED SOON AFTER THE SUPREME COURT DECISION THAT PRIME MINISTER BHUTTO WILL BE ADDRESSING THE NATION ON TV THIS EVENING -- HIS FIRST SUCH NATIONWIDE ADDRESS IN OVER A YEAR -- WE THINK IT BEST TO HOLD UP OUR ASSESSMENT OF THE SIGNIFICANCE OF THE CONFIDENTIAL

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NAP DECISION UNTIL WE HEAR WHAT HE HAS TO SAY. IT IS OUR INITIAL IMPRESSION, PARTICULARLY IN LIGHT OF BAKHTIAR'S STATEMENT AND THE APPARENT DETERMINATION OF THE GOP TO FOLLOW THROUGH WITH THE TRIAL ON ASSORTED CRIMINAL CHARGES OF WALI KHAN AND OTHER NAP DEFENDENTS (ACCORDING TO ONE PUBLISHED SOURCE THIS TRIAL MAY BEGIN IN SUKKUR, SIND, TODAY RATHER THAN NEXT WEEK AS EARLIER SCHEDULED), THAT THE GOP INTENDS TO TAKE AN

UNCOMPROMISING LINE WITH THE NAP LEADERS IN THE ABSENCE
OF ANY GESTURE ON THEIR PART AND IS PREPARED TO TOUGH
OUT THE ADVERSE CONSEQUENCES IT IS WELL AWARE THIS
APPROACH WILL HAVE ON PAK-AFGHAN RELATIONS.
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